



Santa Clara Law Review

Volume 24 | Number 4

Article 9

1-1-1984

Books Received

Santa Clara Law Review

Follow this and additional works at: <http://digitalcommons.law.scu.edu/lawreview>

 Part of the [Law Commons](#)

Recommended Citation

Santa Clara Law Review, Other, *Books Received*, 24 SANTA CLARA L. REV. 1023 (1984).
Available at: <http://digitalcommons.law.scu.edu/lawreview/vol24/iss4/9>

This Other is brought to you for free and open access by the Journals at Santa Clara Law Digital Commons. It has been accepted for inclusion in Santa Clara Law Review by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.

BOOKS RECEIVED

Rights and Advocacy for Retarded People. By Stanley S. Herr. Lexington, Mass.: Lexington Books. 1983. Pp. xii + 257. Hardbound. \$26.95.

Three goals characterize the present movement for the retarded: "to help retarded people to avoid admission to institutions, to gain protection from physical and psychological harm, and to secure opportunities for community living, including appropriate housing, education and social services — in short, the elements of normal life."¹ To promote these goals the author has written a book which not only traces the "dismal legacy" of the retarded, but which also offers thoughtful insights into changes needed to enable the retarded to exercise their fundamental human and legal rights.

In seventeenth century England, the retarded were treated as wards of the Crown. However, despite the benign appearance of this protectorate, the true motivation behind this treatment was greed. A declaration of idiocy, as the author points out, entitled the King to all of a retarded person's land and possessions. No less distressing treatment can be found in the institutions of modern America with their questionable behavioral modification programs and forced sterilization plans.

The loathsome conditions in these institutions engendered the most recent shift from the custodial to rehabilitative objectives of the retarded persons' movement. Yet prejudices die slowly. Even though important recognitions have been given by the courts and legislature, the public still resists the trend toward the reintegration or "mainstreaming" of the retarded.

The author of this book covers the retarded persons' movement in full—the history, the actions of the courts and legislature, and the jaundiced perceptions of the public. Uniting these separate chapters is a single thread of advocacy. No other minority is so incapable of asserting their rights as the retarded. Thus, advocacy by self, family, friends, and the legal profession is an essential element for the survival of humane and legal treatment of the retarded. For this reason this book is recommended to any person who wishes to acquire

1. S. HERR, *RIGHTS AND ADVOCACY FOR RETARDED PEOPLE* 4 (1983).

knowledge about or to assert the rights of the retarded.

The Citizen's Guide to Zoning. By Herbert H. Smith
Chicago, Ill.: Planners Press. 1983. Pp. xii + 242. Softcover.
\$14.95.

An 1885 Modesto, California restriction of public laundries "to a section situated on the West or 'wrong' side of the tracks," is credited as being the first zoning ordinance.¹ Since this early period, courts have sustained the constitutionality of zoning as a valid exercise of governmental police power. The author reviews this historical perspective including *Village of Euclid v. Ambler Realty Co.*,² its progeny, and the future of land-use restrictions in this companion work to his earlier CITIZEN'S GUIDE TO PLANNING.³

As this book is directed to the general public, practicing attorneys may find it, at times, simplistic and cursory. It is, however, wholly adequate for its targeted audience of students, planning officials, and members of the general public who wish to gain a comprehensive, introductory view of the zoning process.

The author presents, in short, easily understood chapters, a step-by-step overview of the ordinance adoption procedure using examples from various municipalities. Also included are discussions on the common arguments and counter-arguments to zoning, the functions of planning and zoning administrators, as well as the appeal and variance processes. Most topical is the review of recent zoning developments which covers density and cluster development, inverse condemnation, performance zoning, incentive provisions, and development right transfer zoning.

Additional Book Received

Reform and Punishment. By Michael Tonry and Franklin E. Zimring. Chicago, Ill.: The University of Chicago Press. 1983. Pp. viii + 210. Hardbound. \$25.00.

1. H. SMITH, THE CITIZENS' GUIDE TO ZONING 23 (1983).

2. 272 U.S. 375 (1926).

3. H. SMITH, THE CITIZENS' GUIDE TO PLANNING (2d ed. 1979).